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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0408
RUEHNE/AMEMBASSY NEW DELHI 3948
RUEHUL/AMEMBASSY SEOUL 7502
RUEHKO/AMEMBASSY TOKYO 5056
RUEHGV/USMISSION GENEVA 3208
RHHMUNA/CDR USPACOM HONOLULU HI
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000721

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STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 08/09/2017
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: ILO FOLLOWING BURMA LABOR ACTIVISTS' TRIAL

REF: A. A) RANGOON 682

[B. B\) RANGOON 408](#)

[C. C\) RANGOON 345](#)

Classified By: Classified by Economic Officer Samantha A. Carl-Yoder for reasons 1.4 (b and d)

[1](#)1. (C) Summary. Upon hearing of the secret trial of six labor activists, four of whom were arrested on May 1 outside of the American Center, new ILO Liaison Officer Steve Marshall relayed concerns that the GOB is unfairly targeting these individuals, not because they attempted to form a labor union, but because of their relationship with the ILO. Marshall, highlighting that the GOB signed the Freedom of Association and Protection of the Right to Organize Convention in 1955, told the Ministry of Labor that these activists have the right to associate. Emphasizing the ILO's interest in the case, Marshall sent a letter to the Minister of Labor requesting copies of the arrest charges and court proceeding transcripts. He warned the Ministry of Labor that this case could be discussed at the next ILO Governor's Board meeting in November. End Summary.

Activists' Trial Gets Noticed

[1](#)2. (C) In a meeting on August 9, Steve Marshall told Econoff that his office is taking a proactive role in the case of the 6 labor activists' secret trial (Refs A and B), despite not receiving a formal grievance. Marshall noted that the six individuals previously submitted forced labor complaints to the ILO, which he felt were exaggerated to advance their political agenda. Per the 2007 ILO-GOB mechanism to address forced labor (Ref C), the GOB cannot harass people for complaining to the ILO. Nevertheless, Marshall believes that the GOB is persecuting these individuals because of their past relationship with the ILO.

[1](#)3. (C) On August 7, Marshall met with the Burmese Director General (DG) for Labor Affairs to discuss his concerns about the trial. Recalling the GOB's obligations under the ILO-GOB mechanism to address forced labor, he emphasized that the GOB

cannot accuse the defendants of treason because they filed a forced labor complaint. The DG responded that these six individuals are on trial because they attempted to organize a union, which is illegal in Burma. Marshall noted that the GOB in 1955 signed the Freedom of Association and Protection of the Right to Organize Convention, which guarantees the rights of individuals to associate and form unions. The GOB, he noted, is in violation of this international convention. Marshall, seeking assurances that the arrests were legitimate, proceeded to ask the DG for copies of the arrest charges and transcripts of the court proceedings. The DG did not refuse Marshall's request but said that he needed to talk to the Minister of Labor.

Raising the Flag - NLD Seeks Publicity

¶4. (C) After the meeting, Marshall was visited by relatives of several of the defendants, who requested ILO support. He assured them that GOB was aware of ILO interest in the case and that he would do what he could to assist. The NLD also recently requested ILO assistance with this case, and in an effort to draw publicity and support for the "injustices of this trial", started on August 8 a letter campaign. Marshall, who has received more than 25 letters to date, felt that the NLD will use this case to push its political agenda. He also opined that the activists' lawyers did not resign because they were harassed, but rather because resignation draws more attention to the case. "The Burmese government harasses all lawyers; harassment by itself is not a reason to resign," he noted. "These lawyers are working for the NLD. They are doing what they can to bring this case to the forefront of their political agenda."

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Official Request Sent

¶5. (C) After corroborating the facts of the case with the family, Marshall sent a letter to the Minister of Labor on August 8 via fax and post, making a formal request for transparency in the case. He reiterated the request for documentation, and highlighted the GOB's obligations under both the Convention of Freedom of Association as well as the 2007 ILO-GOB mechanism on forced labor. He emphasized that the outcome of this case will be scrutinized by the ILO and could be discussed at next ILO Governor's meeting in November.

¶6. (C) Marshall told us that he does not expect a quick response to the letter, but believes that the GOB will take actions to keep this case from being discussed at the ILO board. In 2006, a similar case was brought to the attention of the ILO Governors Board -- an activist, who was charged with treason after meeting with the ILO, was sentenced to death. After the ILO Governor's Board meeting, the activist was released and acquitted of all charges. The GOB, Marshall rationalized, does not want more negative press on the same issue. He is confident that, because of ILO interest, that they will act in a more transparent manner.

Comment

¶7. (C) The GOB may be trying these six individuals in secret to avoid criticism in an area where it has received

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praise from the international community for recent progress. The fact that four of the activists were arrested outside the American Center may also be a reason for the clandestine trial. The ILO and the international community should continue to scrutinize the GOB's handling of forced-labor related cases closely to ensure the regime does not resolve only the easy and minor cases through the ILO Mechanism,

while continuing to punish other complainants secretly and brutally. Steve Marshall is right to confront the regime early and forcefully in his tenure. His actions send a strong message that the ILO will hold the regime to its prior commitments and make an honest report to the Governors' Board before its upcoming meeting. We should push the UN to take the same approach when Ibrahim Gambari visits Burma next month.

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